

Serial No.: 10/663,006  
Docket No.: ECV-5662  
Amendment dated March 8, 2006  
Responsive to the Office Action dated February 10, 2006

**REMARKS/ARGUMENTS**

Claims 1-19 remain pending, though claim 11 has been withdrawn.

The Examiner has restricted the claims under 35 U.S.C. §121 to the following inventions:

- 5           I.       Claims 1-11, drawn to a suturing template, classified in class 606, subclass 150.
- II.       Claims 12-19, drawn to a method of implanting a heart valve, classified in class  
623, subclass 2.11.

10           Applicants traverses the Restriction Requirement. The Examiner reasons that the method  
of claim 12 can be performed by hand (i.e., the method can be performed by a materially different  
apparatus than claims 1-11). However, claim 12 includes steps that cannot be performed by hand.  
In particular, the step of placing a suture template having a plurality of notches at a location of the  
heart that is to receive the prosthetic valve cannot be done by hand. Furthermore, the method  
includes placing a plurality of sutures through the template notches so as to properly attach the  
15   prosthetic valve. Applicant fails to see how this method can be performed without the template,  
and thus it cannot be performed by hand.

             Accordingly, Applicant respectfully requests the Examiner withdraw the invention  
Restriction Requirement and examine both sets of claims. Applicant further suggest that class  
623, subclass 2.11 is a more appropriate primary classification because of the stated application of  
20   the suture template of amended claim 1 "for facilitating implantation of a prosthetic heart valve,"  
and because the template mimics the shape of the prosthetic heart.

             In the event that the Examiner disagrees, Applicant provisionally elects invention II, claims  
12-19.

25           The Examiner has further restricted the application to the following species:  
Species (i): Figure 4a  
Species (ii): Figure 4d

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Applicant elects without traverse the invention of Species (i) embodied in Figure 4a. Currently, claims 1-10 and 12-19 read on species (i). Accordingly, claim 11 has been withdrawn pending allowance of a generic base claim. Both claims 1 and 12 are generic.

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If there is any further hindrance to allowance, the Examiner is encouraged contact the undersigned by telephone.

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Respectfully submitted,



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